

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:10-00187

ROBERT BUTTERWORTH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER  
MEMORANDUM OPINION AND ORDER

On March 20, 2013, the United States of America appeared by John J. Frail, Assistant United States Attorney, and the defendant, Robert Butterworth, appeared in person and by his counsel, Rhett H. Johnson, for a hearing on the petition on supervised release submitted by United States Probation Officer Joseph Black, the defendant having commenced a three-year term of supervised release in this action on July 27, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on September 16, 2011.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant failed to submit monthly reports for October, November and December 2012; (2) that the defendant failed to participate in an intensive outpatient program consisting of two, one hour sessions for a period of six weeks as directed inasmuch as he attended only four sessions; (3) that the defendant used and possessed morphine for which he did not have a prescription as evidenced by positive urine specimens submitted by him on August 29 and October 22, 2012; (4) that the defendant used and possessed opiates for which he did not have a prescription as evidenced by a positive urine specimen submitted by him on October 15, 2012, the defendant's admission to the probation officer on November 11, 2012, that he had used opiates; (5) that the defendant failed to appear for urine screens as directed on September 11, October 1, November 8 and 15, and December 10, 2012; and (6) that the defendant failed to be in contact with the probation officer from November 20, 2012, until the filing of the petition on January 17, 2013; all as admitted by the

defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

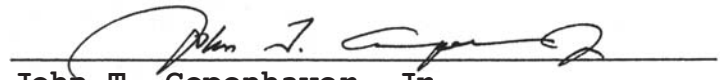
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of FOUR (4) MONTHS, to be followed by a term of thirty-two (32) months of supervised release upon the standard conditions of supervised release now in effect in this district

by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six months in a community confinement center and follow the rules and regulations of the facility and participate in substance abuse counseling and treatment as directed.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 2, 2013

  
John T. Copenhaver, Jr.  
United States District Judge